

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV/](http://www.ca2.uscourts.gov/)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals  
for the Second Circuit, held at the Daniel Patrick Moynihan  
United States Courthouse, 500 Pearl Street, in the City of  
New York, on the 23<sup>rd</sup> day of December, two thousand nine.

PRESENT:

RALPH K. WINTER,  
PIERRE N. LEVAL,  
REENA RAGGI,  
Circuit Judges.

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MINA MAKRAM MORKOS,  
Petitioner,

v.

09-0973-ag  
NAC

ERIC H. HOLDER, JR., UNITED STATES  
ATTORNEY GENERAL,  
Respondent.

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FOR PETITIONER: David A. Barnett, Frenkel,  
Hershkowitz, & Shafran LLP, New  
York, New York.

1 **FOR RESPONDENT:**

**Tony West, Assistant Attorney  
General, Civil Division; Russell  
J.E. Verby, Senior Litigation  
Counsel; Carmel A. Morgan, Trial  
Attorney, Office of Immigration  
Litigation, United States Department  
of Justice, Washington, D.C.**

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9 UPON DUE CONSIDERATION of this petition for review of a  
10 decision of the Board of Immigration Appeals ("BIA"), it is  
11 hereby ORDERED, ADJUDGED, AND DECREED, that the petition for  
12 review is DENIED.

13 Petitioner Mina Makram Morkos, a native and citizen of  
14 Egypt, seeks review of a February 13, 2009 order of the BIA  
15 affirming the April 26, 2007 decision of Immigration Judge  
16 ("IJ") Noel A. Brennan denying Morkos's applications for  
17 asylum, withholding of removal, and relief under the  
18 Convention Against Torture ("CAT"). *In re Mina Makram*  
19 *Morkos*, No. A099 682 901 (B.I.A. Feb. 13, 2009), *rev'g* No.  
20 A099 682 901 (Immig. Ct. N.Y. City, Apr. 26, 2007).<sup>1</sup> We  
21 assume the parties' familiarity with the underlying facts  
22 and procedural history of the case.

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<sup>1</sup> Although the BIA remanded to the IJ to allow her to consider Morkos's request for voluntary departure, "a BIA order denying relief from removal and remanding for the sole purpose of considering voluntary departure is a final order of removal that this Court has jurisdiction to review." *Alibasic v. Mukasey*, 547 F.3d 78, 83-84 (2d Cir. 2008).

1           When the BIA reverses the IJ's decision in whole, this  
2   Court reviews only the decision of the BIA. See *Yan Chen v.*  
3   *Gonzales*, 417 F.3d 268, 271 (2d Cir. 2005). We review the  
4   agency's factual findings under the substantial evidence  
5   standard. 8 U.S.C. § 1252(b)(4)(B); see also *Corovic v.*  
6   *Mukasey*, 519 F.3d 90, 95 (2d Cir. 2008). We review *de novo*  
7   questions of law and the application of law to undisputed  
8   fact. See, e.g., *Salimatou Bah v. Mukasey*, 529 F.3d 99, 110  
9   (2d Cir. 2008).

10          We find no error in the BIA's denial of Morkos's  
11   application for asylum. As the BIA found, he failed to  
12   establish that the harm he fears bears a nexus to one of the  
13   protected grounds enumerated in the Immigration and  
14   Nationality Act ("INA"). See 8 U.S.C. § 1101(a)(42). For  
15   applications governed by the amendments to the INA made by  
16   the REAL ID Act of 2005, "the applicant must establish that  
17   race, religion, nationality, membership in a particular  
18   social group, or political opinion was or will be at least  
19   one central reason for persecuting the applicant." 8 U.S.C.  
20   § 1158(b)(1)(B)(ii); see also *Matter of J-B-N-*, 24 I. & N.  
21   Dec. 208, 212 (BIA 2007).

22          Here, Morkos, a Coptic Christian, was threatened and

1 beaten by the family of a Muslim woman with whom he  
2 allegedly had an affair. Although Morkos argues that the  
3 woman's family was motivated by his religious beliefs, as  
4 reflected by the family's desire for him to convert to  
5 Islam, substantial evidence supports the BIA's conclusion  
6 that religion was not a central reason for the alleged  
7 persecution. See 8 U.S.C. § 1158(b)(1)(B)(ii); *Matter of*  
8 *J-B-N-*, 24 I. & N. at 216. In particular, Morkos testified  
9 that his assailants were angry because "they say there was  
10 an affair between me and their daughter" and that they  
11 pressured him to convert to Islam to marry the Muslim woman  
12 under Egyptian law. Given such testimony, we are not  
13 compelled to reach a conclusion contrary to that of the  
14 agency. See *Ahmed v. Ashcroft*, 286 F.3d 611, 612 (2d Cir.  
15 2002) ("To reverse under the substantial evidence standard,  
16 we must find that the evidence not only *supports* that  
17 conclusion, but *compels* it.") (internal quotation marks  
18 omitted) (emphasis in original).

19 Even if Morkos had demonstrated the requisite nexus,  
20 the BIA found that he failed to show that the Egyptian  
21 government is unwilling or unable to control his attackers.  
22 See *Matter of Acosta*, 19 I. & N. Dec. 211, 222 (BIA 1985),

1    overruled on other grounds by *Matter of Mogharrabi*, 19 I. &  
2    N. Dec. 439 (BIA 1989); *Aliyev v. Mukasey*, 549 F.3d 111, 119  
3    (2d Cir. 2008). Morkos does not challenge this finding,  
4    which was, alone, a proper basis for the denial of his  
5    application for asylum.

6           For the foregoing reasons, the petition for review is  
7    DENIED. As we have completed our review, any stay of  
8    removal that the Court previously granted in this petition  
9    is VACATED, and any pending motion for a stay of removal in  
10   this petition is DISMISSED as moot. Any pending request for  
11   oral argument in this petition is DENIED in accordance with  
12   Federal Rule of Appellate Procedure 34(a)(2), and Second  
13   Circuit Local Rule 34(b).

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15                           FOR THE COURT:  
16                           Catherine O'Hagan Wolfe, Clerk  
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19                           By: \_\_\_\_\_